

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

EMERSON RADIO CORPORATION,

Plaintiff,

v.

**EMERSON QUIET KOOL CO. LTD. and
HOME EASY LTD.,**

Defendants.

Civil Action No. 1:20-cv-1652-VAC

STIPULATION AND [PROPOSED] ORDER FOR ENTRY OF FINAL JUDGMENT

WHEREAS on April 19, 2022 the Court entered an Order Granting Entry of Default Judgment [D.I. 247] (the “Order”) pursuant to Fed. R. Civ. P. 55(b)(2) that entered judgment “in favor of Plaintiff and against all Defendants on all the claims Plaintiff asserts in the First Amended Verified Complaint (D.I. 30)” and other relief granted in the Order;

WHEREAS the Order also provided that “[f]ollowing entry of this Order, Plaintiff may file motions seeking enhancement of these damages and/or a motion for recovery of its attorneys’ fees, as permitted under 15 U.S.C. § 1117” [D.I. 247 at ¶ 18];

WHEREAS although the Order entered judgment, it does not explicitly direct the entry of final judgment under Fed. R. Civ. P. 54(b) and the Clerk has not separately entered final judgment on the docket following entry of the Order;

WHEREAS the Parties seek confirmation and/or clarification from the Court as to the entry of final judgment as the date of its entry affects the parties’ deadlines for seeking post-final judgment relief including but not limited to the deadline to file a motion for attorneys’ fees

pursuant to Fed. R. Civ. P. 54(d)(2)(b) and Local Rule 54.3 as well as the deadline to file a notice of appeal pursuant to Fed. R. App. P. 4(a); and

WHEREAS pursuant to Fed. R. Civ. P. 58(d) the parties “may request that judgment be set out in a separate document as required by Rule 58(a)”;

WHEREAS under the circumstances of this case, it would not serve the interest of the parties, the public, or judicial economy to delay entry of final judgment to resolve any motions under 15 U.S.C. § 1117, and there exists no other just cause for delay;

IT IS HEREBY STIPULATED AND AGREED by Plaintiff Emerson Radio Corp. and Defendants Emerson Quiet Kool Co. Ltd. and Home Easy Ltd., subject to the approval of the Court, that:

1. FINAL JUDGMENT should be entered against Defendants Emerson Quiet Kool Co. Ltd. and Home Easy Ltd. pursuant to Fed. R. Civ. P. 54(b) on the date this Stipulation and [Proposed] Order for Entry of Final Judgment is signed by the Court;
2. The Clerk should be directed to enter this FINAL JUDGMENT on the docket forthwith; and
3. Nothing herein shall be construed to enlarge, reduce, modify, or delay the rights or obligations of any party under the Order.

Dated: April 28, 2022

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IT IS SO ORDERED that the Court having entered Default Judgment against Defendants Emerson Quiet Kool Co. Ltd. and Home East Ltd., FINAL JUDGMENT is hereby entered pursuant to Fed. R. Civ. P. 54(b) as of the date of this Order. The Clerk is hereby directed to enter this FINAL JUDGMENT on the docket.

Date: _____

U.S.D.J.